

Message Text

UNCLASSIFIED

PAGE 01 TOKYO 13590 180813Z

11

ACTION COME-00

INFO OCT-01 EA-10 ISO-00 EB-06 RSC-01 DRC-01 /019 W

----- 032944

R 180745Z OCT 74

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 5348

UNCLAS TOKYO 13590

E.O. 11652: N/A

TAGS: EIND, JA

SUBJECT: JAPANESE PATENT APPLICATION NO. 13127/1970

REF: STATE A-7252, SEPT. 17, 1974

1. THE EMBASSY CONTACTED KAWARADA INTERNATIONAL PATENT LAW OFFICE, ESS, INC.'S JAPANESE REPRESENTATIVE AND OBTAINED THE FOLLOWING INFORMATION:

2. "PATENT APPLICATION NO. 13127/1970 FILED BY ESS, INC. WITH THE JAPANESE PATENT OFFICE HAS BEEN EXAMINED. IT WAS FOUND THAT ESS'S APPLICATION IS BASICALLY FOR AN IMPROVEMENT ON AN INVENTION ALREADY PATENTED BY TOSHIBA ELECTRIC CO. OF TOKO AND ESS INCLUDED THE BASIC TOSHIBA INVENTION IN ITS PATENT APPLICATION. MR. MABUCHI, THE PATENT OFFICE EXAMINER IN CHARGE ADVISED MR. KAWARADA ABOUT A YEAR AGO TO LIMIT THE CLAIM OF THE APPLICATION TO THE IMPROVEMENT ON TOSHIBA'S INVENTION AND FILE A REVISED APPLICATION WITHIN THREE MONTHS IN ACCORDANCE WITH JAPANESE REGULATION SO THAT A PATENT COVERING JUST THE ESS, INC. IMPROVEMENT COULD BE GRANTED.

3. ESS, INC., HOWEVER, HAS SO FAR FAILED TO CARRY OUT MR. MABUCHI'S ADVICE AND MAINTAINS THAT ANY PATENT MUST ALSO COVER THE PORTION ALREADY APATENTED BY THE JAPANESE COMPANY. MR. MABUCHI COULD HAVE REJECTED THE APPLICATION BECAUSE THE THREE MONTH TIME LIMIT HAS LONG SINCE EXPIRED, BUT IS STILL WAITING FOR ESS, INC. TO ACT.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 TOKYO 13590 180813Z

4. THE FOUR YEAR PENDENCY IS CAUSED BY A HEAVY BACKLOG OF APPLICATIONS AND IT USUALLY TAKES MORE THAN FOUR YEARS BEFORE A PATENT APPLICATION CAN BE EXAMINED AND A PATENT GRANTED OR REJECTED. NO ACTION HAS BEEN TAKEN IN THE LAST YEAR AS ESS, INC.'S ORIGINAL APPLICATION WOULD HAVE TO BE REJECTED BECAUSE OF TOSHIBA'S PATENT AND THE PATENT OFFICE IS HOLDING ACTION PENDING RECEIPT OF ESS, INC.'S REVISED APPLICATION.

5. BASED ON OUR DISCUSSION WITH ESS, INC.'S ATTORNEY, IT APPEARS THAT THERE IS NO DISCRIMINATION AGAINST ESS, INC. BY THE JAPANESE PATENT OFFICE. ON THE CONTRARY IT APPEARS THE PATENT OFFICE IS TRYING TO AVOID HAVING TO TURN DOWN ESS, INC.'S APPLICATION BY ADVISING THEM TO REVISE THEIR APPLICATION TO REMOVE THOSE AREAS WHERE JAPANESE PATENTS HAVE ALREADY BEEN ISSUED AND SUSPENDING THE USUAL THREE MONTH DEADLINE FOR REVISED APPLICATIONS. IF ESS, INC. CONTINUES TO INSIST ACTION BE TAKEN ON ITS ORIGINAL APPLICATION IT WILL BE REJECTED BECAUSE OF CONFLICTS WITH EXISTING TOSHIBA'S PATENTS.

6. THE EMBASSY DOES NOT FEEL ANY APPROACH TO THE JAPANESE PATENT OFFICE IS WARRANTED AT THIS TIME AS THERE DOES NOT APPEAR TO BE ANY DISCRIMINATION IN THE HANDLING OF ESS, INC.'S APPLICATION.
HODGSON

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PROPERTY PROTECTION, PATENTS, TRADE COMPLAINTS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974TOKYO13590
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740296-1146
From: TOKYO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741033/aaaabcfo.tel
Line Count: 87
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION COME
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: STATE A-7252, SEPT. 17, 1974
Review Action: RELEASED, APPROVED
Review Authority: martinjw
Review Comment: n/a
Review Content Flags:
Review Date: 11 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11 APR 2002 by chappeld>; APPROVED <07 FEB 2003 by martinjw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: JAPANESE PATENT APPLICATION NO. 13127/1970
TAGS: EIND, JA, JAPANESE PATENT OFFICE
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005